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National Committee

Should Congress Enact
the
Japanese Exclusion Section

[Sec. 12 (b)]

in H. R. 7995



An Analysis and a Criticism
of the Report (No. 350) of the
House Committee on Immi-
gration and Naturalization

ISSUED BY THE
NATIONAL COMMITTEE ON AMERICAN JAPANESE
RELATIONS

287 FOURTH AVENUE, NEW YORK

TO MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES:



THE HOUSE COMMITTEE ON IMMIGRATION has presented a further Report (No. 350) regarding the immigration bill (H.R. 7995) now before the House. Some of its statements are quite misleading, essentially untrue.

1. The Report states (p. 7) that the terms of the Gentlemen's Agreement have never been disclosed; that it is a secret arrangement. **This assertion is not correct.** It is true that the correspondence leading to the Agreement has not been made public; but the practical terms of the Agreement were published by the Commissioner General of Immigration in his Report of 1908. According to those terms, although Japanese, under the treaty of 1895, had "full liberty to enter, travel or reside in the United States", Japan nevertheless agreed to cease giving passports to laborers coming to continental United States. But it was mutually understood that those already here might return after a temporary visit to Japan and might bring back with them, or might send for, their "parents, wives, or children." The Agreement was thus a limitation voluntarily undertaken by Japan of her treaty rights.

The United States has published annually full statistics giving the facts in detail. **There is nothing secret about the actual working terms of the Agreement.**

2. The Report states (p. 7) that "Congressional prerogatives of regulating immigration from Japan have been surrendered to the Japanese Government." **This is not correct.** By the treaties of 1895 and 1911 the United States and Japan made reciprocal agreements regarding the freedom of travel and residence for their respective citizens. The Gentlemen's Agreement was an informal understanding and assurance on the part of Japan to limit this freedom and to withhold passports from a certain class of her people whom, under the treaty, America had agreed to admit. But it was mutually understood that Japan was at liberty to give passports to "parents, wives and children" of Japanese already in the United States.

The Gentlemen's Agreement was in no sense a surrender to Japan of "Congressional Prerogatives."

3. The Report states (p. 7) that the "United States bound itself to admit any Japanese who presents himself bearing Japan's passport unless he be afflicted with contagious disease." **This is not correct.** The United States immigration officials have the right to apply to all Japanese entering the country all the legal requirements and all the tests of personal qualifications which Con-

gress has enacted for general application. Tables XVI and XVII of the Report of the Commissioner General of Immigration give the numbers of those debarred and deported by race and by cause. In the year 1923 Japanese were debarred and deported because they were criminals, illiterates, without proper passports as defined by the State Department, likely to become a public charge, for violation of narcotic acts, etc., etc. In that single year the total number deported was 89 and the number debarred was 80.

4. The Report implies (pp. 8-9) that under the Agreement Japanese population in the United States has very largely increased. The facts are as follows:

ADMISSIONS AND DEPARTURES (1909-1923)

Total Japanese Aliens admitted to the U. S. (Including Hawaii, Alaska, etc.).....	171,584
Total Departures	155,488
Net Increase	16,096
Total Alien Males Admitted (Including Hawaii, etc.)	97,877
Total Alien Males Departed.....	120,614
Net Decrease	22,737
Total Alien Females Admitted (Including Hawaii, etc.).....	73,707
Total Alien Females Departed.....	34,874
Net Increase	38,833
Net Increase Alien Females.....	38,833
Net Decrease Alien Males.....	22,737
Total Net Increase.....	16,096
Net Increase in Continental U. S. (1909-1923)	8,681
Net Increase in Hawaii (1909-1923)	7,415

According to the United States Census, the population in continental United States of the Japanese race increased from 72,157 in 1910 to 111,010 in 1920. This increase of 38,853 is exclusively of women and of children, most of whom (29,672) have been born in the United States. The birth of children in the United States, of course, the Gentlemen's Agreement does not forbid. **The fact that Japanese men have actually diminished by 22,737 shows that the primary purpose of the Agreement has been realized to a remarkable degree.**

It should, moreover, be noted that the present trend of Japanese migration is back to Japan. The Report (p. 39) itself shows that during the past six months (July 1—December 31, 1923) 1,714 more Japanese have departed than have entered. In fact, the excess of departures has been going on for three

years (1921, 1922 and 1923). In this period (three and a half years) departures have exceeded arrivals by 4,207. The alleged urgent necessity of stopping the Japanese "influx" is not very manifest when all the facts are known.

In the light of these considerations, it cannot be maintained that the increase of Japanese population in the United States is an evidence of bad faith on the part of Japan.

5. The Report states (p. 8) that "the Agreement . . . offers a bar to registration." **This is not correct.** The State of California passed a law requiring the registration and a poll tax of all aliens. It was declared unconstitutional in a test case in the State Supreme Court and in the case of a Japanese it was declared to be a violation of the treaty.

6. The Report implies (p. 8) that the Agreement is an aid to surreptitious entries. **This is not correct.** On the contrary, because of the Agreement, Japan has loyally aided the United States in preventing such entries. By the proposed measure we would lose the co-operation of Japan in this matter.

7. The Report confuses the question of the sufficiency of the Gentlemen's Agreement and the question of its faithful observance. The truth is that it has been faithfully observed but that it has brought unexpected results.

8. **The Proposal (even as amended) is not good policy,** for it will be keenly resented by the entire Japanese nation and, as Secretary Hughes says, "would largely undo the work of the Washington Conference on Limitation of Armament, which so greatly improved our relations with Japan."

9. **The proposal is quite needless,** as practically the same numerical results can be secured in ways that are courteous and in harmony with established principles of international relations.

If the matter is regarded as needing special Congressional action, the correct procedure would seem to be a Joint Resolution of the Senate and House requesting the Department of State to denounce the treaty, or to notify Japan that the Gentlemen's Agreement is not working satisfactorily and to seek a new treaty or agreement.

Perhaps, however, the best way would be to follow the suggestion of Secretary Hughes to bring the regulation of Japanese immigration under the general law. The permissible number that could come from Japan under any quota that might be adopted would be in practice negligible.

But in any case the method chosen should meet the essential needs of the United States and at the same time maintain friendly relations with Japan. We cannot afford to disregard fundamental principles of international courtesy.

GEORGE W. WICKERSHAM, *Chairman*

SIDNEY L. GULICK, *Secretary*

National Committee on
American Japanese Relations

New York City
March 29, 1924